



MIAMI-DADE COUNTY, FLORIDA

**ENVIRONMENTAL QUALITY CONTROL BOARD
(EQCB)
APPLICATION PACKAGE**

CHAIRPERSON

Claire M. Bradshaw-Sidran, Ph.D.

MEMBERS

Robert S. Pope, Ph.D.
William E. Hopper, Ph.D.
Luis A. Prieto-Portar, Ph.D., P.E.
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SECRETARY

Carlos Espinosa, P.E.

NOTICE

UPON COMPLETION OF THE ATTACHED APPLICATION FOR HEARING, IT WILL BE REQUIRED THAT YOU SCHEDULE AN APPOINTMENT WITH MR. ENRIQUE A. CUELLAR AT (305-372-6764) OR MS. MIRNA LEAL AT (305-372-6517) FOR REVIEW AND SUBMITTAL OF YOUR COMPLETE APPLICATION PACKAGE.

PLEASE CALL WITHIN THE TIME FRAME FOR FILLING AS DESCRIBED IN THE GENERAL INFORMATION SHEET INCLUDED IN THE APPLICATION PACKAGE.

ENVIRONMENTAL QUALITY CONTROL BOARD
GENERAL INFORMATION

TYPES OF APPEALS

The Miami-Dade County Code provides that the Environmental Quality Control Board may hear:

1. Requests for Variances from Chapter 24 of the Miami-Dade County Code.
2. Appeals from the decisions of the Director of Miami-Dade County Department of Environmental Resources Management (DERM) must be filed within fifteen (15) days from the date of denial.
3. Requests for extensions of time for compliance with the provisions of Chapter 24.
4. Requests for approval of Interim Package Sewage Treatment Plants. (Specific instruction attached).
5. Appeals from the decisions of the Director of DERM pursuant to a denial of an administrative request for a variance to the requirements of the Federal Flood Insurance Program as established under Chapter 11C of the Metropolitan Dade County Code.
6. Applications by private and/or public water or sewer service utilities for a statement of approved water quality or approved sewage service.

Also, Section 2-103.23 of Article XIV A of the Miami-Dade County Code empowers the Board to hear appeals to decisions of the Dade County Fire Department or other fire departments having jurisdiction (format of the appeal and required documents shall be determined by consultation with the appropriate fire department). These applications must be filed within the appropriate fire department.

All applications noted above, shall be filed with DERM's Office of Code Coordination and Public Hearings on or before the required deadline, any petitions filed after the required deadline will be scheduled for the next available hearing date. However, scheduling of any petition for hearings will be dependent on the ability of staff to complete the required pre-hearing memorandum fifteen (15) days prior to the hearing. Therefore, categories 1, 2, 3 and 5 above, as well as the Fire Department appeals, will be scheduled for one of the first two available hearing dates (within a maximum of approximately sixty (60) days).

Applications for Item 4 must be received a minimum of forty-two (42) days prior to the hearing date.

Applications involving item 6 above will be scheduled for the next available hearing date, thirty (30) days after submission of all requested information.

All applications must include copies of any evidence, information, reports or documentation, and must include a listing of any witnesses to be used in support of the application. Such information submitted after the submission of the application would be grounds for continuation of the petition.

EMERGENCY HEARINGS

Under extreme circumstances, an emergency hearing may be requested. In such instances, the Board will first determine, on the basis of the petitioner's presentation, if the request represents an emergency deserving the Board's immediate attention, otherwise, it will be deferred to the next available hearing. For further details concerning this procedure, consult with staff prior to filing.

HEARING DATES

The schedule of hearing dates may be obtained by calling the Clerk of the Board at 372-6754. In accordance with a Board Resolution which limits the number of items that will be heard at any given hearing to ten (10), it is to the applicant's advantage to file early, thereby avoiding possible postponement to a future agenda.

The Clerk of the Board will mail a Notice of Hearing (Agenda) to the applicant and a pre-hearing memorandum which highlights staff's position on the particular issue approximately ten (10) days prior to the hearing. For sewage treatment plant applications, the properties that may be affected by the application will be posted in a manner that provides notice of purpose, time and place of such hearing. Applicants may withdraw their applications by doing so in writing at any time prior to the hearing. Requests for withdrawal should be directed to the Clerk of the Environmental Quality Control Board.

FEES

A non-refundable filing fee is required, checks should be made payable to Miami-Dade County. Applicants should note that a Petitioner's request for continuance is subject to an additional non-refundable processing fee.

LETTER OF INTENT

IT IS REQUIRED THAT THE APPLICATION BE FILED BY THE OWNER(S) OF THE PROPERTY WHICH IS THE SUBJECT OF THE APPLICATION. ALL OWNER(S) OR THEIR ATTORNEY MUST BE PRESENT AT THE HEARING. Other persons may speak on behalf of the applicant as experts, but may not legally represent the petitioner. The letter of intent shall be signed according to the following instructions:

1. Individual Ownership - If the property is owned by one or more individuals, the individual(s) must sign.
2. Corporation - The Corporate name shall be followed by the President's or Vice-President's signature and title. An Assistant Vice-President or other corporate officer may NOT sign.
3. General Partnership - All partners shall sign and indicate title of each.
4. Limited Partnership - The name of the general partnership shall be followed by the signature and title of a general partner. If the general partner is a corporation, follow above instructions for a corporation.
5. Limited Liability Corporations- All Limited Liability Corporations shall only be represented by an attorney duly authorized to practice law in the State of Florida.
6. Trustee - Signature shall be followed by title.

ENVIRONMENTAL QUALITY CONTROL BOARD

CHECK LIST

The following items must be submitted for all cases except requests for interim Package Sewage Treatment Plant.

- _____ Application form completely filled out and properly executed (original and 2 copies).
- _____ Applicant's Affidavit (1 copy). PLEASE NOTE, ALL OWNERS OR THEIR ATTORNEY MUST BE PRESENT AT THE HEARING.
- _____ Letter of Intent (original and 2 copies); this shall include all facts and circumstances resulting in the particular situation requiring review by the Board and any hardships involved. In addition, the letter should state which of the provisions of Section 24-48 of the code the request meets (see Addendum 1 attached).
- _____ Recorded copy of the warranty deed of the property.
- _____ Survey of property (1 original signed and sealed by the surveyor and 2 copies).
- _____ Site plan (2 copies).
- _____ One copy of the Section Map and Aerial Photo. These may be obtained from the Dade County Public Works Department, Reproductive Services, 111 NW 1st Street, 16th Floor.
- _____ Filing fee of \$_____. Make checks payable to Miami-Dade County.
- _____ Applications for non-residential projects requesting the use of well water shall include a water analysis based on the defined parameters. Water analysis must not be older than one (1) year.
- _____ Water and Sewer Availability Form completely executed by the appropriate utility (1 copy). Furnish copy of survey and scope of proposed development to the utility and allow approximately five working days for completion.
- _____ The name, address, telephone number and professional credentials of any expert witness who may testify at the hearing shall be submitted to Clerk of the Board at least ten (10) days before the scheduled hearing.
- _____ Any factual information on properties other than the property which is the subject of the petition that may be presented as evidence at the hearing shall be submitted to the Clerk of the Board at the same time that the petition is filed.
- _____ 3 Cost estimates for water or sewer construction may be submitted at the petitioner's discretion, but are not required.
- _____ Submit **only** the number of copies of each document required above.

APPLICATION FOR PUBLIC HEARING
ENVIRONMENTAL QUALITY CONTROL BOARD

TO BE FILLED OUT BY APPLICANT: (Please Type)

Name of Applicant (Property Owner) _____

Mailing Address _____

Telephone (during work hours) _____

Fax Number _____

Email Address _____

Address or street location of
subject property: _____

Folio Number: _____

Date subject property acquired: _____
Date Month Year

Legal Description of the Property covered by this application:

Does (Do) the subject parcel(s) meet the requirements of Chapter 28 of the Miami-Dade county Code? (Applicant must have this section completed by **MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT, 111 NW 1st Street, 14th Floor.**

Is the property described above proposed to be subdivided into small parcels? ____Y ____ N

COUNTY USE ONLY	
Yes _____	Comments _____
No _____	Comments _____
Authorized Signature _____	Date _____

Does applicant own contiguous property to the subject property? If so, give complete legal description of entire contiguous property.

Present Zoning Classification

Proposed use of property:

Is or was a zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) required to allow the proposed use and development of subject property? (Yes)_____ (No)_____

If yes, has a Zoning Hearing been held? (Yes)_____ (No)_____

If yes, give Public Hearing Number _____

Was application approved? (Yes) _____ (No) _____ (Furnish copy of ZAB Resolution)

Is this application being filed as a result of a "Notice of Violation" from the Dade County Building and Zoning Department or Department of Environmental Resources Management?
(Yes) _____ (No) _____ If yes, furnish copy of N.O.V.

Describe any existing structures on the property. If none, state so:

If this application concerns a residential lot not meeting the lot size standards of Section 24-13 of the Code and vacant property exists adjacent to the subject site, has an attempt to purchase same been made? Yes _____ No _____

If yes, give results:

Please check below the reason for the submittal of this request for a variance:

⇒ _____ Denial of Zoning Action. Furnish Zoning Hearing Number _____

⇒ _____ Denial of Platting Action. Furnish Dade County Plat Process Number _____

⇒ _____ Denial of Building Permit Application. Furnish DERM Plan Review Process Number _____.

⇒ _____ Denial of Certificate of Occupancy.

⇒ _____ Other:

APPLICANT'S AFFIDAVIT

INDIVIDUAL AFFIDAVIT

I/We, _____, being first duly sworn, depose and say that I/We am/are the owner(s) of the property which is the subject matter of the proposed hearing; that all the answers to the questions in this application, all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I/We understand this application must be complete and accurate before a hearing can be advertised. Furthermore, I/We intend to have _____ represent me/us at the subject public hearing. I/We understand that representation may only be through legal counsel.

Signature

Sworn to and subscribed to before me
this day of , 20 .

My Commission Expires:

Notary Public

CORPORATION AFFIDAVIT

We, _____, being first duly sworn depose and say that we are the President/Vice-President and Secretary/Assistant Secretary of the aforesaid corporation, and as such, have been authorized by the Corporation to file this application for public hearing; that all answers to the questions in said application, all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said Corporation is the owner of the property which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised. Furthermore, We intend to have _____ represent us at the subject public hearing. We understand that representation may only be through legal counsel.

President's Signature (Corp. Seal)

ATTEST:

Secretary's Signature

Sworn to and subscribed to before me
this _____ day of _____, 20____.

My Commission Expires:

Notary Public

Notary Public

**AFFIDAVIT OF MEMBERS, MANAGING MEMBERS,
AND MANAGERS OF FLORIDA LIMITED LIABILITY COMPANY**

WE, (Print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit; the list of names and titles shall include all names on the list required by Section 608.4101(1)(a), Fla. Stat. (2004), as same may be amended from time to time)

<u>Full name</u>	<u>Title(s)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

hereby swear or affirm that :

1. The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, of the Florida Limited Liability Company known as _____ (Print name of the Florida Limited Liability Company as the name appears in the Articles of Organization currently filed with the Secretary of State of the State of Florida);
2. There are no Members, Managing Members or Managers of the aforesaid Florida Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
3. There are no provisions in any Articles of Organization of the aforesaid Florida Limited Liability Company or in any operating agreement, written or oral, of the aforesaid Florida Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, _____ (Print the title of the instrument or document) by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability as set forth in the foregoing instrument or document.
4. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the foregoing Florida Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, _____ (Print the title of the instrument or document) for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.
5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

Signature

Title(s)

Sworn to and subscribed before me this ____ day of _____, ____ (year) by
____ (print name legibly), who is personally known to me
or who has produced _____ (type of identification).

____ (Signature of Notary Public)

____ (Print, type or stamp name of notary public)

(Add additional Signature, Title(s), and Notary Public areas for all other LLC Members,
Managing Members, and Managers, as needed)

**AFFIDAVIT OF MEMBERS, MANAGING MEMBERS, AND MANAGERS OF NON- FLORIDA
(FOREIGN) LIMITED LIABILITY COMPANY**

WE, (print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit)

<u>Full name</u>	<u>Title(s)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

hereby swear or affirm that :

6. The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, of the Non-Florida (Foreign) Limited Liability Company known as _____ (Print name of the Non-Florida (Foreign) Limited Liability Company as the name appears in the Articles of Organization, as that term is defined by Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, currently filed with the Secretary of State of the State of _____) (Print name of State where Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed) or other jurisdiction, to wit, _____(Print the name of the country or other jurisdiction where the Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed;
7. There are no Members, Managing Members or Managers, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
8. There are no provisions in any Articles of Organization, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company or in any operating agreement, written or oral, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached

* The term “equivalent” shall mean for the purposes of this Affidavit, with respect to “persons” or “entities”, any person or entity which has or may have any one or more of the duties or powers or obligations or responsibilities or authorities, real or apparent, of a Member, Managing Member, or Manager, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time. The term “equivalent” shall mean for the purposes of this Affidavit, with respect to instruments or documents or articles of organization or operating agreements or written agreements or oral agreements, any written agreement or oral agreement or instrument or document which has or may have any one or more of the functions or purposes of any instrument, document, operating agreement, written agreement or oral agreement described or mentioned in this Affidavit.

hereto and incorporated herein by reference hereto, to wit, _____ (Print the title of the instrument or document) by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.

9. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the aforesaid Non-Florida (Foreign) Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, _____ (Print the title of the instrument or document) for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.
10. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

Signature

Title(s)

Sworn to and subscribed before me this _____ day of _____, _____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

(Signature of Notary Public)

(Print, type or stamp name of notary public)

(Add additional Signature, Title(s), and Notary Public areas for all other Members, Managing Members, and Managers of LLC, as needed)

**33 S.W. 2nd AVENUE, 5TH FLOOR
MIAMI, FLORIDA 33130**

**LIST FOR DRINKING WATER ANALYSIS
NON-COMMUNITY WATER SYSTEMS**

Unless otherwise indicated, analytical methods must conform with Chapter 62-550 Florida Administrative Code (DEP rules). Detection limits must be adequate to determine compliance with the following drinking standards:

PHYSICAL LIMITS

- | | |
|--------------------------|--|
| 1. Turbidity (NTU).....5 | 3. Threshold Odor Number.....3 |
| 2. Color (Units).....15 | 4. PH (at point of collection).....6.5 |

CHEMICAL CHARACTERISTICS (Concentrations in mg/l)

- | | |
|---------------------------|------------------------------------|
| 1. Foaming agents.....0.5 | 12. Manganese (Mn).....0.05 |
| 2. Arsenic (As).....0.01 | 13. Nitrate (as N).....10 |
| 3. Barium (Ba).....1* | 14. Phenols.....0.001* |
| 4. Cadmium (Cd).....0.01* | 15. Sulfate.....250 |
| 5. Chloride.....250 | 16. Selenium (Se).....0.01* |
| 6. Copper (Cu).....1 | 17. Silver (Ag).....0.05* |
| 7. Cyanide (CN).....0.2* | 18. Total Dissolved Solids.....500 |
| 8. Fluoride (F).....2 | 19. Zinc (Zn).....5 |
| 9. Iron (Fe).....0.3 | 20. Mercury (Hg).....0.002 |
| 10. Lead (Pb).....0.015 | 21. Sodium (Na).....160 |
| | 22. Chromium.....0.05 |

PESTICIDES (Concentrations in mg/l)

- | | |
|--------------------------|-------------------------------|
| 1. Endrin.....0.002 | 4. Toxaphene.....0.003 |
| 2. Lindane.....0.0002 | 5. 2, 4-D.....0.07 |
| 3. Methoxychlor.....0.04 | 6. 2,4,5-TP (Silvex).....0.05 |

VOLATILE ORGANICS (Concentrations in mg/l)

- | | |
|-----------------------------------|-----------------------------------|
| 1. Trichloroethene.....0.003 | 6. 1,2 dichloroethane.....0.003 |
| 2. Tetrachloroethene.....0.003 | 7. Benzene.....0.001 |
| 3. Carbon Tetrachloride.....0.003 | 8. Ethylene dibromide.....0.00002 |
| 4. Vinyl chloride..... 0.001 | 9. O-dichlorobenzene.....0.6 |
| 5. 1,1,1-trichloroethane..... 0.2 | 10. 1,1 dichloroethene.....0.007 |

*Denotes parameter with limit specified in Sections 24-12(2)(H) & (I) of the Code of Miami-Dade County, Florida, and analytical method specified in current edition of Standard Methods for the Examination of Water and Waste Water, APHA.

NON-COMMUNITY WATER SUPPLY ANALYSIS

The non-residential on-site water supply well water analysis is to be performed by a commercial laboratory with appropriate certification from the State of Florida Department of Health and Rehabilitative Service. For your convenience, the commercial labs in Dade and Broward Counties with current certification relating to the necessary analysis are listed below.

Analysis from other laboratories with appropriate state certification covering the parameters in the aforesaid list are acceptable.

Broward Testing Lab, Inc.
1034 N.E. 44th Court
Ft. Lauderdale, FL 33334
(305) 776-7238

Precision Environmental Lab
10200 U.S.A. Today Way
Miramar, FL 33025
(954) 431-4550

Engineers-Scientists Lab, Inc.
7270 N.W. 12th Street, Suite 740
Miami, Florida 33126
(305) 233-1411

VOC Analytical, Inc.
877 N.W. 61st Street, Suite 202
Ft. Lauderdale, FL 33309
(954) 938-4400

IEA
1133 Sawgrass Corp. Pkwy
Sunrise, FL 33323
(954) 846-1730

Kappa Laboratories
2577 NW 74th Avenue
Miami, FL 33122
(305) 599-0199

Spectrum Labs, Inc.
1460 N. McNab Road
Ft. Lauderdale, FL 33309
(954) 978-6400

Evans Environmental Labs
1015 West Newport Drive
Deerfield Beach, FL 33442
1-800-234-0116

Lansing Laboratories, Inc.
4111 SW 47th Avenue #313
Davie, FL 33314
(954) 581-2372

Date _____

ADDENDUM 1

Section 24-12. Variances and extensions of time for compliance.

(1) The Environmental Quality Control Board shall have the power and authority to grant or extend from time to time variances and extensions of time for compliance with the requirements of this chapter to new or existing facilities, equipment and processes. Such variances or extensions may be granted to specific facilities, equipment, or processes or to a class. The Environmental Quality Control Board may grant such variances or extensions only if it is affirmatively established by competent factual data and information that strict compliance with the requirements of this chapter is impossible or inappropriate because of conditions beyond the control of the person or persons involved, or that strict compliance would result in substantial curtailment or closing down of a plant, project or operation which would be detrimental to the public interest, or that the particular operation is essential for the public health or the national security, or that no technically feasible, economically reasonable means of compliance are available to the person or persons involved, or that the variance or extension will not be detrimental to the public health, welfare and safety and will not create a nuisance and will not materially increase the level of pollution in this County, or that a more unhealthy condition will occur if a variance or extension is not granted. Variances and extensions of time shall be considered and acted upon in accordance with the provisions of Sections 24-4, Section 24-12, 24-13 and the provisions of Section 24-8 (5)(b).

2006 EQCB HEARING DATES

Hearing Dates:

January 12, 2006
February 9, 2006
March 9, 2006
April 13, 2006
May 11, 2006
June 8, 2006
July 13, 2006
September 14, 2006
October 12, 2006
November 9, 2006
December 14, 2006

Petition Due Date:

December 1, 2005
December 29, 2005
January 26, 2006
March 2, 2006
March 30, 2006
April 27, 2006
June 1, 2006
August 3, 2006
August 31, 2006
September 28, 2006
November 2, 2006